

REMARKS

Claims 1-14 are currently pending in the application, with claims 5, 6, and 12-14 being previously withdrawn from consideration by the Examiner. By this response, claims 1 and 7 are amended for the Examiner's consideration. The above amendments do not add new matter to the application and are fully supported by the original disclosure. For example, support for the amendments is provided in the claims as originally filed and at least at paragraphs [0002], [0009], [0022], and [0023] of the specification as filed. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

35 U.S.C. §101 Rejection

Claims 1-4 and 7-11 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner asserts that "the claimed method is nothing more than a series of mathematical and/or computer-based matrix operations without finally getting around to operating the nozzles using the recited method ... which would then be seen as having a useful and tangible concrete result" (Final Office Action, page 2). The Examiner further asserts that the claims "[do] not seem to implement the results of the control method in any manner (i.e., applying the control solution to the recited nozzle matrix to effect the desired torque/force results of a vehicle), so as to provide a recognizable useful concrete and tangible end result" (Final Office Action, page 4). Moreover, in the Response to Arguments section, the Examiner further states "Applicant does not meet the last criterion of having a concrete result because the method claims do not actually recite the use of the end result of the mathematical processing to perform the optimum fuel control of nozzles" (Final Office Action, page 4).

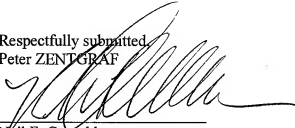
As previously discussed in responses filed on October 5, 2006 and March 19, 2007, Applicants respectfully disagree with these assertions, and submit that the claims are directed to statutory subject matter. However, in order to advance prosecution, independent claims 1 and 7 are amended by this response to recite controlling the nozzles. Applicants submit that this feature addresses the Examiner's above-noted concerns, and renders the §101 rejection moot. That is, the claims as amended recite a method that produces a useful, concrete, and tangible result.

Accordingly, Applicants respectfully request that the rejection over claims 1-4 and 7-11 be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
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